

DURHAM CITY COUNCIL WORK SESSION
Thursday, December 19, 2013 – 1:00 p.m.
Committee Room – 2nd Floor – 101 City Hall Plaza

Present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker and City Clerk D. Ann Gray.

The meeting was called to order by Mayor Bell.

Mayor Bell asked if there were any announcements from the council. Council Member Schewel said he would be making available to council a Resolution Expressing Opposition to Recent Dangerous Gun Laws Passed by the North Carolina General Assembly. He said he would be requesting that council take action at the work session.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield referenced the following three items:

- Code Enforcement Chorus
- Agenda Item#21 – Utility Extension Agreement with First Citizens Bank, Inc. to serve Project Joshua (need to suspend the rules and vote today)
- Agenda Item #22 – Utility Extension Agreement with Purdue Pharma Manufacturing, LP to Serve Purdue Pharma (need to suspend the rules and vote today)

The City Manager’s items were accepted by the council.

There were no items from the City Attorney and City Clerk.

After Mayor Bell read the title of each item printed on the agenda, the following items were pulled for comments; discussion and/or action by the council.

Subject: Resolution Expressing Opposition to Recent Dangerous Gun Laws Passed by the North Carolina General Assembly

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

December 19, 2013

The following citizens spoke in support of the Resolution Opposing Recent Dangerous Gun Laws recently passed by the general assembly: Kaaren Haldeman; Rah Binkley; and Gail Neely.

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt a Resolution of the Durham City Council Expressing Opposition to Recent Dangerous Gun Laws Passed by the North Carolina General Assembly was approved at 1:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Resolution #9881

Mayor Bell thanked Council Member Schewel for his leadership on this matter.

Council Member Schewel also thanked Mayor Bell for his leadership statewide and nationally regarding his involvement with Mayors' Against Illegal Guns.

Subject: Eno River Association

To receive comments from Robin Jacobs regarding holiday greetings from the Eno River Association and to present the City with 2014 calendars.

Robin Jacobs and Barbara Driscoll addressed the council bringing holiday greetings from the Eno River Association; thanked the council for their support in helping them acquire more lands and with the state parks and the Eno Festival. Ms. Driscoll also distributed 2014 calendars to members of the council and city administration.

The council thanked Ms. Jacobs and Ms. Driscoll for the 2014 calendars.

Subject: Ad Hoc Coalition on Affordable Housing and Transit

To receive comments from Dick Hails regarding a resolution supporting affordable housing around the transit stations and bus hubs.

Bo Glenn provided a Resolution Supporting Affordable Housing Around the Transit Stations and Bus Hubs and asked the council to support same. He said Durham Can, Peoples Alliance; NAACP; Citizens Advisory Commission; DCIA; and others have been meeting for the last year working on ways and ideas to link transit and affordable housing. Also, he referenced several groups/organizations that have endorsed the resolution.

City Manager Bonfield said the planning department has been actively involved in this matter and due to the recent changes to the resolution he asked that the staff be allowed to review and

December 19, 2013

provide a response in the near future. He said he wanted to make certain it is consistent with the work the planning department is doing and not duplicating or adding to their work.

Council Member Moffitt asked will the item come back at the next work session.

City/County Planning Director Steve Medlin said he has not seen the most recent version of the resolution; however, they have had the opportunity to have discussions with the group and have done some initial review and provided comments. Due to the upcoming holiday schedule, Mr. Medlin said it was reasonable to say they could come back with a response within a couple of cycles.

Mayor Bell noted that timing is fine and said he did not want to adopt a resolution that would put un-do pressure on planning staff (adopting a resolution prematurely and then the planning staff coming back saying they cannot do that). The Mayor also made comments pertaining to his recent visit with Secretary of Transportation Anthony Fox.

City Manager Bonfield said he thought it was reasonable for them to come back with a report by the January 23, 2014 work session.

Council Member Brown thanked Bo Glenn and his committee for submitting this proposal. He also asked if anyone had any idea when Wake County would put this matter to a vote and asked how much money will be available from the federal government for Orange County and Durham County to finance this system.

Mayor Bell said he did not know if anyone could answer the question about what Wake County is going to do. Relevant to Council Member Brown's second question that the current proposal is based on Orange and Durham Counties, Mayor Bell said he has had that conversation with the Triangle Transit Authority Director and the people in Washington, DC are aware of that. Also, he spoke on the current plan that TTA has put together.

Subject: John Tarantino

To receive comments from John Tarantino regarding a special Christmas tribute.

John Tarantino provided a Christmas song selection to the council.

At this time, City Manager Bonfield stated that several employees from the Neighborhood Improvement Services Department had formed a Code Enforcement Chorus, and they provided a holiday song selection to the council.

Subject: Utility Extension Agreement with First Citizens Bank, Inc. to Serve Project Joshua – Treyburn Industrial Park

December 19, 2013

To authorize the City Manager to enter into a Utility Extension Agreement with Frist Citizens Bank, Inc. to serve Project Joshua in Treyburn Industrial Park.

The staff report indicated that First Citizens Bank is requesting to connect to the City's water and sanitary sewer systems to serve Project Joshua, an office and warehouse facility (Data Center) located at 5200 International Drive in Treyburn Industrial Park.

Water service shall be provided by connecting to the existing 12-inch waterline in International Drive. Sewer service shall be provided by connecting to the existing 8-inch sanitary sewer main in International Drive.

The parcel is located outside the City limits, but inside Treyburn Industrial Park, and therefore will not be annexed pursuant to the December 6, 1985 contract between the City and the original Treyburn developer and City Code Section 70-129(1). The current zoning is industrial light.

Public Works and Water Management completed a Utility Impact Analysis for this project. There is capacity in the existing water and sanitary sewer infrastructure to serve this project and not major infrastructure improvements have been requested at this time.

The Owner shall bear all the cost for the construction of the water and sanitary sewer extensions and there shall be no participation in the cost by the City.

Subject: Utility Extension Agreement with Purdue Pharma Manufacturing, LP to Serve Purdue Pharma – Treyburn Industrial Park

To authorize the City Manager to enter into a utility extension agreement with Purdue Pharma Manufacturing, LP to serve Purdue Pharma in Treyburn Industrial Park.

The staff report indicated that Purdue Pharma Manufacturing L.P. is requesting to connect to the City's water and sanitary sewer systems to serve Purdue Pharma, a pharmaceutical manufacturing and warehouse facility located at 4731 Old Oxford Road in Treyburn Industrial Park and outside the City limits.

Water service shall be provided by extending the existing 12-inch waterline in International Drive. Sewer service shall be provided by extending a sanitary sewer main from the existing 12-inch sanitary sewer outfall located east of International Drive.

The parcel is located outside the City limits, but inside Treyburn Industrial Park, and therefore will not be annexed pursuant to the December 6, 1985 contract between the City and the original Treyburn developer, and City Code of Ordinances § 70-129(1). The current zoning is industrial light.

December 19, 2013

Public Works and Water Management completed a Utility Impact Analysis for this project. There is capacity in the existing water and sanitary sewer infrastructure to serve this project. The Developer may be required to install additional infrastructure within the project for fire protection.

The Owner shall bear all the cost for the construction of the water and sanitary sewer extensions and there shall be no participation in the cost by the City.

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to suspend the rules of the council and take action on the Utility Extension Agreements with First Citizens Bank and Purdue Pharma Manufacturing was approved at 2:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

A substitute motion was made by Council Member Moffitt to authorize the administration to enter into utility extension agreements with First Citizens Bank and Purdue Pharma Manufacturing if the projects come to pass.

After further discussion on the item, Council Member Moffitt withdrew his substitute motion.

Motion by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to enter into a Utility Extension Agreement with First Citizens Bank, Inc. to serve Project Joshua in Treyburn Industrial Park; and

To authorize the City Manager to enter into a Utility Extension Agreement with Purdue Pharma Manufacturing, LP to serve Purdue Pharma in Treyburn Industrial Park was approved at 2:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

City Clerk Gray announced the ballot results for the following as follows: Teddy Manor received 7 votes for appointment to the Durham City/County Appearance Commission and Kimberly A. Cameron received 6 votes for appointment to the Durham Housing Authority Board of Commissioners.

Settling the Agenda for the January 6, 2014 City Council Meeting

City Manager Bonfield announced the following items for the January 6, 2014 City Council meeting agenda: Consent Items 1 thru 14 and GBA Public Hearings Items 15 thru 17.

Motion by Council Member Catotti seconded by Council Member Brown to settle the agenda for the January 6, 2014 City Council Meeting as stated by the City Manager.

The motion was approved unanimously at 2:02 p.m.

December 19, 2013

The City Council wished everyone a happy holiday season.

There being no further business to come before the council, the meeting was adjourned at 2:02 p.m.

D. Ann Gray, MMC, NCCMC
City Clerk